United Nations A/55/922–S/2001/427

General Assembly
Security Council

Distr.: General
30 April 2001

Original: English

General Assembly
Fifty-fifth session
Agenda items 64 and 114

Question of Cyprus

Human rights questions

Security Council
Fifty-sixth year

Letter dated 27 April 2001 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 27 April 2001, addressed to you by His Excellency Mr. Aytuğ Plümer, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex would be circulated as a document of the General Assembly, under agenda items 64 and 114, and of the Security Council.

(*Signed*) Umit **Pamir**
Ambassador
Permanent Representative

01-35568 (E) 030501

Annex to the letter dated 27 April 2001 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I would like to refer to the letter dated 10 April 2001 addressed to you by the Greek Cypriot representative at the United Nations (A/55/895-S/2001/345), enclosing the text of a European Parliament resolution concerning Panicos Tsiakourmas, who was arrested on 13 December 2000 within the territory of the Turkish Republic of Northern Cyprus for possession of drugs.

In connection with the above-mentioned unfortunate and misguided resolution, I have the honour to enclose herewith a copy of the letter dated 16 April 2001 addressed to the President of the European Parliament by His Excellency Mr. Ertuğrul Hasipoğlu, President of the Legislative Assembly of the Turkish Republic of Northern Cyprus (see enclosure I), as well as the text of a statement issued on 7 April 2001 by the Ministry of Foreign Affairs and Defence of the Turkish Republic of Northern Cyprus on the same subject (see enclosure II).

As you may already know, after the completion of the judicial process initiated by the independent judiciary of the Turkish Republic of Northern Cyprus, the Gazi Mağusa District Court, on 26 April 2001, sentenced Panicos Tsiakourmas to six months in jail. Subsequently, the Court ordered his immediate release based on time already served and good conduct.

(*Signed*) Aytuğ **Plümer**
Representative
Turkish Republic of Northern Cyprus

Enclosure I

Letter dated 16 April 2001 from the President of the Legislative Assembly of the Turkish Republic of Northern Cyprus to the President of the European Parliament

I have the honour to refer to the resolution entitled "Abduction of Mr. Tsiakourmas in Cyprus", recently adopted by the European Parliament, and to bring to your kind attention the following.

The said resolution, largely tabled by Greek members, reflects wholly the Greek Cypriot viewpoint, casting aside all the facts and legal aspects of the Tsiakourmas case and the rule of law in the Turkish Republic of Northern Cyprus (TRNC), and as such it is irrelevant to the case in question and harmful to efforts to bring about reconciliation on the island.

With this resolution, the European Parliament has not only made baseless allegations concerning the situation in Cyprus but has also arrogated to itself the right to interfere in the internal affairs of the TRNC and in the independent judicial process concerning a serious offence, such as drug smuggling, which has already been referred to the due process of law.

I wish to stress that there is no "occupation" in Cyprus, as alleged in the resolution, but a lawful presence based on international treaties. Turkey's intervention in Cyprus was undertaken in accordance with her rights and obligations under the Treaty of Guarantee of 1960 and Turkish forces are in Cyprus with the full consent of the Turkish Cypriot people, who by exercising their inherent right to self-determination established the Turkish Republic of Northern Cyprus (TRNC) in November 1983, 20 years after having been left stateless by the Greek Cypriots. It should be understood that the presence of Turkish forces in Northern Cyprus, particularly in the absence of a comprehensive agreement, is a vital security requirement for the Turkish Cypriot people because it serves as a deterrent against the repetition of Greek-Greek Cypriot aggression.

It hardly needs to be stressed that the TRNC is not a "local administration in the occupied area of Cyprus", as claimed in the aforementioned resolution. There is no question of Turkey exercising jurisdiction in the TRNC, which has its own democratically elected government, exercising full and exclusive authority and jurisdiction over the territory and people of the State. Turkey, therefore, cannot be held accountable for the policies and/or actions of the legitimate authorities of the TRNC. Rather than questioning the legitimacy of the TRNC, the European Parliament would better serve prospects for reconciliation in Cyprus by questioning the myth that the Greek Cypriot administration in Southern Cyprus, which in 1963 forcibly usurped the seat of government of the binational partnership Republic of 1960, is the "legitimate Government of Cyprus".

I would like to emphasize that Mr. Panicos Tsiakourmas was not abducted but lawfully arrested by the TRNC authorities. On 12 December 2000, Mr. Tsiakourmas was arrested by the Narcotics Department of the Turkish Cypriot police near the village of Beyarmudu in TRNC territory on suspicion of dealing in narcotics. More than one kilogram of narcotics was found in his possession and on the same day Mr. Tsiakourmas was brought before the Lefkoşa District Court, which ordered his

detention. United Nations officials in Cyprus were duly informed about the incident and the detainee was examined by a United Nations Peacekeeping Force in Cyprus (UNFICYP) doctor, who found his condition fully satisfactory. Mr. Tsiakourmas continues to be under the care and supervision of a Turkish Cypriot specialist, Dr. Hasan Sav, and is visited regularly by a UNFICYP physical, as well as a family doctor.

In accordance with legal procedure, Mr. Tsiakourmas was detained at the Lefkoşa Central Prison until his preliminary inquiry began at the Gazi Mağusa District Court, on 8 February 2001. On 15 February, the court committed the case to the Assize Court and his case came before the Gazi Mağusa Assize Court on 21 February, where it is currently continuing.

Mr. Tsiakourmas has been and is being treated with full care and respect for the due process of law. He has retained a team of lawyers, including a Turkish Cypriot lawyer, Mr. Menteş Aziz, who have full access to him, and Mr. Tsiakourmas benefits from all his legal rights, including full medical care and visits by his family. Greek Cypriot allegations aiming at politicizing this case, which is still under trial, are unfounded and constitute an unwarranted interference in the due process of law in a democratic country with an independent judiciary. For your information, these facts are confirmed, among others, in annual reports of the United States Department of State on human rights practices in Cyprus, which most currently (2000) states that "democratic principles are generally respected" and that "the judiciary is independent of executive and military influence" in Northern Cyprus.

I would be most grateful if this letter were to be circulated among the distinguished Members of the European Parliament.

(*Signed*) Dr. Ertuğrul **Hasipoğlu**
Speaker of the Legislative Assembly

Enclosure II

Statement issued on 7 April 2001 by the Ministry of Foreign Affairs and Defence of the Turkish Republic of Northern Cyprus

The resolution adopted by the European Parliament upon the instigation of Greek Parliamentarians in connection with Panicos Tsiakourmas, who was arrested within the Turkish Republic of Northern Cyprus (TRNC) territory for possessing drugs, has been received with regret and has aroused indignation among our people. With this resolution, the European Parliament has arrogated to itself the right to interfere in our internal affairs and our independent judicial process in a case which entails a serious offence, such as drug trafficking, and which has already been referred to court, and has made baseless allegations with regard to the TRNC and Turkey as well as the Cyprus dispute.

TRNC authorities have, from the beginning, respected the legal rights of Mr. Tsiakourmas, who was arrested on 13 December 2000 within TRNC territory for possession of drugs; have provided him with every facility to defend his legal rights; and during this process have also shown the necessary care for his health condition. The United Nations Peacekeeping Force in Cyprus (UNFICYP) is also well aware of these realities and is in a position to confirm them. Against this background, we do not regard the levelling of baseless allegations against the TRNC and Turkey and the distortion of facts under any pretext pertaining to the arrest of Mr. Tsiakourmas as friendly conduct, and we strongly protest it.

It is truly regretful and a cause for concern that the European Parliament should become an instrument of Greek Cypriot-Greek propaganda by attempting to politicize intentionally a criminal case which is currently before independent judicial organs. The conduct of an organization which regards itself as the leading champion of democracy and human rights, when it assumes the role of both a court and a judge by setting aside completely the principle of objectivity, is conduct which is devoid of any sense of justice and equity. One would have expected the European Parliament, which at every opportunity refers to the rule of law, to first respect the law itself.

This decision adopted by the European Parliament, which has used this matter as an excuse to create an opportunity to make pronouncements on the Cyprus issue reflecting the well known Greek Cypriot-Greek allegations, is clearly an ill-intentioned decision. The TRNC is neither a State under the occupation of Turkey nor a "local administration", as claimed by the resolution. It seems that the European Parliament, by putting forward baseless allegations of this nature, is somehow disturbed by the fact that Turkey, by exercising her rights and obligations emanating from the 1960 Treaty of Guarantee, has saved the Turkish Cypriot people from total annihilation and has prevented repetition of similar acts of aggression against Turkish Cypriots. It is also clear that the Parliament has been unable to accept the existence of the Turkish Republic of Northern Cyprus, which is a full fledged sovereign State with its territory, people and democracy, as well as respect for human rights.

By adopting this attitude, the European Parliament has once again demonstrated that it cannot in any way contribute positively to the search for

conciliation in Cyprus. We strongly deplore this one-sided position of the European Parliament, and call upon it to adopt a more realistic and constructive approach.